

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 11-2343 (DSD/TNL)

Anne Ness,

Plaintiff,

v.

ORDER

GGNSC Rush City LLC
doing business as Golden
Living Center-Rush City,

Defendant.

This matter is before the court sua sponte upon the order to show cause why this action should not be summarily remanded to state court for lack of subject-matter jurisdiction.

"Federal courts are courts of limited, not general jurisdiction," and as a result the court "has a special obligation to consider its own jurisdiction." Thomas v. Basham, 931 F.2d 521, 522 (8th Cir. 1991). The removing party bears the burden to establish the existence of subject-matter jurisdiction. See Altimore v. Mount Mercy Coll., 420 F.3d 763, 768 (8th Cir. 2005). The citizenship of a limited-liability company is the citizenship of all of its members, not its state of organization or principal place of business. GMAC Commercial Credit LLC v. Dillard Dept. Stores, 357 F.3d 827, 829 (8th Cir. 2004).

GGNSC Rush City LLC (GGNSC) timely removed the instant action from Minnesota state court. GGNSC asserts that it "is a limited liability company organized and existing under the laws of the

state of Delaware, having its principal place of business in Fort Smith, Arkansas.” Notice of Removal ¶ 4. The court sua sponte ordered GGNSC to identify the citizenship of each of its members as required by 28 U.S.C. § 1332. See ECF No. 6; GMAC Commercial Credit LLC v. Dillard Dept. Stores, 357 F.3d 827, 829 (8th Cir. 2004). On August 23, 2011, GGNSC informed the court that it does not contest remand. As a result, GGNSC has not demonstrated complete diversity, and therefore the court lacks subject-matter jurisdiction. Accordingly, **IT IS HEREBY ORDERED** that this action is remanded to the Minnesota District Court in Chisago County, Minnesota.

Dated: August 23, 2011

s/David S. Doty
David S. Doty, Judge
United States District Court